

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JARRETT M. JAMES,

Plaintiff,

v.

ORDER  
07-C-563-S

THE CITY OF MIDDLETON POLICE DEPARTMENT  
and JOHN DOES,

Defendant.

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Upon receipt of plaintiff's partial filing fee in the amount of \$5.69, the Court addresses the merits of plaintiff's complaint. According to 28 U.S.C. § 1915(b)(2), the institution's financial officer is authorized to deduct monthly payments from plaintiff's account until the \$350.00 filing fee is paid in full.

Plaintiff alleges that he is being harassed by the City of Middleton Police Department. Although not completely clear it appears he is alleging his Fourth Amendment rights were violated by a search of his mother's residence while he was incarcerated. It also appears that he is alleging that an ongoing criminal investigation of him is harassment and negligent. The City of Middleton Police Department is not a suable entity. Further, John Does cannot be served until they are named.

Based on the allegations in plaintiff's complaint it does not appear he has alleged facts that support a violation of his

constitutional rights by any named defendant. Accordingly, his complaint must be dismissed for failure to state a claim under federal law.

Plaintiff is advised that in any future proceedings in this matter he must offer argument not cumulative of that already provided to undermine this Court's conclusion that his claim must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7<sup>th</sup> Cir. 1997).

ORDER

IT IS ORDERED that plaintiff's complaint and all claims contained therein is DISMISSED without prejudice.

IT IS FURTHER ORDERED that judgment be entered DISMISSING plaintiff's complaint and all claims contained therein without prejudice.

Entered this 29<sup>th</sup> day of October, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge